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EXAMINER	
BELOUSOV, ANDREY	
ART UNIT	**PAPER NUMBER**
2174	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No.	Applicant(s)	
	10/761,777	RODRIGUEZ ET AL.	
	Examiner	Art Unit	
	Andrew Belousov	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-41 and 43-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-41, and 43-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed on April 23, 2007. Claims 6 and 42 have been canceled. Claims 1-5, 7-41, and 43-52 are pending and have been considered below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7-12, 14-17, 20-24, 26-28, 30-37, 39-40 and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruck et al (U.S. Patent No. 6,008,836).

Claim 1: Bruck discloses a method for determining the characteristics of a display device coupled to a network client device capable of receiving television (TV) signals, the network client device having video and audio output capabilities, said method comprising the steps of:

a. driving a display device with a first video output signal formatted according to a first video interface specification (5:50-52; cable television, 5:58-59);

b. responsive to driving the display device, soliciting user input based on information included in the first video output signal (Fig. 4A: 71; Fig. 4B: 76; Fig. 4C-9B);

c. determining (adjusting, 11:17, 28, 39, 52) a characteristic (e.g. contrast, brightness, sharpness; Abstract) of the display device based on the user input (by use of control knobs or on-screen menu, 11:18); and

d. driving (i.e. operating or displaying) the display device according to the determined characteristic (desired level, 11:54-56; 12:15-18),

e. wherein the step of driving the display device according to the determined characteristic further includes the steps of receiving a TV signal (WebTV: Fig. 1B, 29a, 29b) at a network client device (Fig. 1B: 10; Fig. 2B: 50), processing (Fig. 2B: 52, 53) the TV signal, and transmitting (Fig. 1B: 6) a video output signal according to the first video interface specification (5:50-52; cable television, 5:58-59) and according to at least one parameter (e.g. color, sharpness, brightness, contrast; Abstract) of the TV signal.

Claim 26: Bruck discloses a system for determining the characteristics of a display device, said system comprising:

a. a memory with display logic (Fig. 1C); and

b. a processor (Fig. 1C: 21) configured with the display logic to drive a display device with a first video output signal formatted according to a first video interface specification (5:50-52; cable television, 5:58-59),

c. wherein the processor is further configured with the display logic to, responsive to driving the display device, solicit user input based on information included in the first video output signal (Fig. 4A: 71; Fig. 4B: 76; Fig. 4C-9B),

d. wherein the processor is further configured with the display logic to determine (adjust, 11:17, 28, 39, 52) a characteristic (e.g. contrast, brightness, sharpness; Abstract) of the display device based on the user input (by use of control knobs or on-screen menu, 11:18),

e. wherein the processor is further configured with the display logic to effect (through the use of adjustment screens: Fig. 4A: 71; Fig. 4B: 76; Fig. 4C-9B) driving the display device according to at least one of the determined characteristic (e.g. contrast; Abstract) and a plurality of determined characteristics (e.g. contrast and sharpness; Abstract) to present content on a display screen of the display device, wherein the processor is further configured with the display logic to effect driving of the display device according to at least one parameter of a TV signal (e.g. color, sharpness, brightness, contrast; Abstract.)

Claim 2, 27: Bruck discloses the method and system of claims 1 and 26 wherein the characteristic includes at least one of a type of display device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, and capability and manner of receiving ancillary data (Abstract.)

Claim 3, 28: Bruck discloses the method and system of claims 1 and 26, wherein the display device includes at least one of a television set and a display monitor (col 4, line 63).

Claim 5, 30: Bruck discloses the method and system of claims 1 and 26, wherein the step of driving a display device with a first video output signal includes the step of transmitting at least one of graphics data (6:53-56) and video data (5:50-52.)

Claim 31: Bruck discloses the system of claim 26, wherein the processor is further configured with the display logic to receive a TV signal (WebTV: Fig. 1B, 29a, 29b) from a network (Fig. 1A: 3), processing (Fig. 2B: 52, 53) the TV signal, and effect the transmittal of a video output signal according to the first video interface specification (5:50-52; cable television, 5:58-59), and according to at least one parameter of the TV signal (e.g. color, sharpness, brightness, contrast; Abstract.)

Claim 7, 32: Bruck discloses the method and system of claims 1 and 26, wherein the transmitted video output signal is delivered through a video port (Fig. 1c, 26) in the network client device (Fig. 1: 10), the video port preset according to the first video interface specification (5:50-52; cable television, 5:58-59) and according to at least one parameter of the TV signal (e.g. color, sharpness, brightness, contrast; Abstract.)

Claim 8, 33: Bruck discloses the method and system of claims 1 and 26, wherein the step of soliciting includes the step of presenting at least one of visible instructions and audible instructions to the user (col 2, lines 64-67).

Claim 9, 34: Bruck discloses the method and system of claims 1 and 26, wherein the step of determining includes the step of determining at least one of how to drive the display device such that a legible, nondistorted picture is presented and what are optimal signal parameters to send to the display device (col 8, lines 9-11).

Claim 10, 35: Bruck discloses the method and system of claims 1 and 26, wherein the step of determining includes the step of determining at least one of how to drive the display device such that a legible, distorted picture is presented and what are optimal signal parameters to send to the display device (col 8, lines 9-11, col 8, lines 54-56).

Claim 11, 36: Bruck discloses the method and system of claims 1 and 26, further including the step of driving the display device according to a second video format, wherein the step of driving the display device according to a second video format is at least one of a result of an automatic cycling after a defined threshold period of time of receiving no user input and a result of user input (col 12, lines 15-18; user input: col 11, lines 17, 28, 39, 52, 63).

Claim 12, 37: Bruck discloses the method and system of claims 11 and 36, wherein the step of driving the display device according to a second video format includes the step of driving the display device through an output port used to drive the display device according to the first video format (5:41-59.)

Claim 14: Bruck discloses the method of claim 1, wherein the display device is physically connected to a network client device (col 5, line 19).

Claim 15: Bruck discloses the method of claim 1, wherein the display device is in wireless communication with a network client device (col 5, line 19).

Claim 39: Bruck discloses the system of claim 26, wherein the processor is further configured with the display logic to effect communication with the display device through at least one of a wireless connection and a physical connection (col 5, line 19).

Claim 16: Bruck discloses the method of claim 1, further including the step of receiving a request for discovery of the characteristic (col 7, line 1-35).

Claim 17: Bruck discloses the method of claim 16, wherein the step of receiving a request includes the step of receiving a signal corresponding to the activation of a button on a remote control device (col 7, line 1-35).

Claim 40: Bruck discloses the system of claim 26, further including a remote control device configured with a button that, responsive to activation of the button, cooperates with the display logic to initiate discovery of characteristics of the device (col 7, line 1-35).

Claim 20: Bruck discloses the method of claim 1, further including the step of driving the display device according to at least one of the determined characteristic (e.g. contrast; Abstract) and a plurality of determined characteristics (e.g. contrast and sharpness; Abstract) to present content on a display screen of the display device, wherein the step of driving the display device is further according to at least one parameter of the TV signal (e.g. color, sharpness, brightness, contrast; Abstract.)

Claim 21, 43: Bruck discloses the method and system of claims 20 and 26, further including the step of receiving pictures from a storage device to process and present on the display screen of the display device (col 5, line 67 - col 6, lines 1-6).

Claim 22, 44: Bruck discloses the method and system of claims 21 and 43, wherein the pictures include at least one of distorted objects, non-distorted objects, distorted images, non-distorted images, visual information, and a graphical characteristic to provide an indication of the characteristic of the display device (col 5, line 67 - col 6, lines 1-6).

Claim 45: Bruck discloses the system of claim 43, wherein the processor is further configured with the display logic, and in cooperation with the media engine and the output system, to distort at least one of objects and video images and leave undistorted at least one of objects and video images (Fig. 7A, 132, 131).

Claim 23, 46: Bruck discloses the method and system of claims 1 and 43, wherein the step of determining a characteristic of the display device further includes the step of determining how a user has configured the display device to display a TV signal of a defined aspect ratio on the display device having at least one of the same physical aspect ratio and a different aspect ratio as the defined aspect ratio of the TV signal (Fig. 7A 131 ("1."). The examiner notes that it is inherent that the TV signal has a defined aspect ratio and that it is different or same as the physical aspect ratio of the display device.

Claim 24, 47: Bruck discloses the method and system of claims 1 and 26, wherein the user input includes user preferences (col 10, line 35-36; col 11, lines 19-23).

Claim 48: Bruck discloses the system of claim 26, wherein the system is embodied in a network client device in communication with the display device (col 4, lines 66 - col 5, lines 1-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of Krane (5,799,063.)

Claim 4, 29: Bruck discloses the method and system of claims 1 and 26. However, Bruck does not explicitly disclose wherein the step of driving a display device with a first video output signal further includes the step of transmitting an audio output signal containing audible voice instructions to the user. Kramer teaches a system and a method wherein voice instructions transmitted to the user (2:31-41.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize voice instructions as taught in Kramer, to the user in the method and system of Bruck. One would have been motivate to provide voice instructions over the audio capable system disclosed in Bruck (Fig. 1C, 25), so as to accommodate persons with poor eyesight (Krane 2:15-18.)

5. Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of Elswick et al. (U.S. Patent No. 6,791,620).

Claim 13, 38: Bruck discloses the method and system of claims 11 and 36. However Bruck does not explicitly disclose wherein the step of driving the display device according to a second video format includes the step of driving the display device through an output port different than the output port used to drive the display device according to the first video format. Elswick discloses a similar system, wherein driving the display device according to a second video format includes the step of driving the display device through an output port (channel) different than the output port (channel) used to drive the display device according to the first video format (col 3, line 9-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to drive the display device according to a second video format through an output port different than the output port used to drive the display device according to the first video format, as taught by Elswick, in the method and system as disclosed by Bruck. One would have been motivated to do so in order to separately accommodate many video formats independently.

6. Claims 18, 19, 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of Rzeszewski et al. (U.S. Patent No. 5,512,958.)

Claim 18: Bruck discloses the method of claim 1. However, Bruck does not explicitly disclose further including the step of receiving a request for cycling through at least one of a different video format and a different output port. Rzeszewski discloses a similar

system for television display modification allowing the user to cycle through a plurality of options (different video formats) and choose the appropriate one (5:58-67.) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow a user to cycle through at least one of different video format and a different output port, as taught by Rzeszewski in the method as disclosed by Bruck. One would have been motivated to allow the user to cycle through at least one of different video format and a different output port so as to accommodate a user who may not be knowledgeable about the particular format or port necessary to allow best display (5:58-67) without having to particularly point out a particular port or video format. Examiner's Note: as in claim 16 and 18, the actual performance of the request is not claimed, and as such it is immaterial as to what matter the request is directed to.

Claim 19: Bruck and Rzeszewski disclose the method of claim 18. Bruck further discloses the method of claim 18, wherein the step of receiving a request includes the step of receiving a signal corresponding to the activation of a button on a remote control device (col 5, lines 25-34.)

Claim 25: Bruck discloses a method for determining the characteristics of a display device coupled to a network client device, said method comprising the steps of:

a. outputting a video signal including pictures (6:45-56) for each part of the cycle, wherein the pictures include at least one of graphics data (6:45-56) and video data (5:50-52; Fig. 1B, 6);

b. processing the pictures for each video format for output to a display device (Fig. 2B: 52, 53);

c. setting parameters of a video output port according to each video format (Fig 1C, 26);

d. soliciting a user response for each video format, wherein the step of soliciting includes the step of presenting at least one of visible instructions and audible instructions to the user (Fig. 4A: 71; Fig. 4B: 76; Fig. 4C-9B);

e. determining at least one characteristic of the display device based on the user response, wherein the characteristic includes at least one of type of device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, capability of providing ancillary data, manner of providing the ancillary data (col 10, lines 18-49); and

f. driving the display device according to the at least one determined characteristic (e.g. contrast; Abstract) and according to at least one parameter (e.g. color, sharpness, brightness or contrast; Abstract) of a received TV signal to present images on a display screen.

However, Bruck does not explicitly disclose:

g. cycling through a plurality of video formats, each part of the cycle including a predetermined time duration

Rzeszewski discloses a similar system for television display modification allowing the user to cycle through a plurality of video formats, each part of the cycle including a predetermined time duration (5:64-67.) Therefore it would have been obvious to one

having ordinary skill in the art at the time the invention was made to cycle through a plurality of video formats, each part of the cycle including a predetermined time duration, as taught in Rzeszewski, to the disclosure of Bruck. One would have been motivated to cycle through a plurality of video formats, each part of the cycle including a predetermined time duration so as to accommodate a user who may not be knowledgeable about the particular format or port necessary to allow best display (5:58-67) without having to particularly point out a particular port or video format.

Claim 41: Bruck discloses the system of claim 26, further including a remote control device (col 5, lines 25-34) configured with a button that, responsive to activation of the button, cooperates with the display logic. However, Bruck does not explicitly disclose wherein the function of that button is to cycle through at least one of a plurality of formats and a plurality of video ports. Rzeszewski discloses a similar system for television display modification allowing the user to cycle through a plurality of options (different video formats) and choose the appropriate one (5:58-67.) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow to cycle through at least one of different video format and a different output port, as taught by Rzeszewski, by activation of a button on a remote control, as in Bruck. One would have been motivated to allow the user to cycle through at least one of different video format and a different output port through a use of a button on a remote control so as to have all functions pertaining to a display device on a single control mechanism, and to accommodate a user who may not be knowledgeable about

the particular format or port necessary to allow best display (5:58-67) without having to particularly point out a particular port or video format.

7. Claims 49 - 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. in view of Estrop (2003/0193486.)

Claim 49: Bruck discloses a system for determining a preferred display performance between the deinterlacing ability of a display device coupled to a network client device and the deinterlacing ability of the network client device, said system comprising:

a. a memory with display logic (Fig. 1C); and
b. a processor configured with the display logic to present objects on a display screen of a display device that are altered by the display logic to solicit (col 2, lines 64-67) a response by a user,
c. wherein the processor is further configured with the display logic to, responsive to the user input (col 8, line 6-14), determine a capability of the display device.

However, Bruck does not explicitly disclose that the determined capability is display device's de-interlacing capability. Estrop discloses a similar system for facilitating the processing and display of interlaced images, wherein the renderer (processor) queries the display device (graphics device driver) to ascertain the de-interlacing capabilities of its driver (par. 16) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable determination of de-interlacing capability of the display device, as taught by Estrop, to be displayed on a display screen

as disclosed by Bruck. One would have been motivated to provide such a capability so as to utilize the best de-interlacing capability available between the renderer and the display device (Estrop par. 006.)

Claim 50: Bruck and Estrop disclose the system of claim 49. Bruck further discloses, wherein the display device includes a television set (col 4, line 63.)

Claim 51: Bruck and Estrop disclose the system of claim 49. Estrop further discloses wherein the processor is further configured with the display logic to determine a capability of the client device (par. 10-12.)

Claim 52: Bruck and Estrop disclose the system of claim 49. Bruck further discloses wherein the system is embodied in a network client device capable of outputting video and audio in at least one defined format through at least one port (col 4, lines 66 - col 5, lines 1-3; col 5, lines 41-59.)

Response to Arguments

8. Applicant's arguments filed April 23, 2007 have been fully considered below.

Argument II. A: Par. 1: In response, that Bruck does not disclose or teach, "wherein the step of driving the display device according to the determined characteristic further includes the steps of receiving a TV signal at a network client device, processing the TV

signal, and *transmitting a video output signal* according to the first video interface specification and according to at least *one parameter of the TV signal*' as recited in independent claim 1, the Examiner respectfully disagrees. *Transmission* of a video output signal is show in Fig. 1B: 6, in Bruck, as an output from the network device to the display device. One *parameter* of the TV signal can be reasonably interpreted from the claim to mean color, sharpness, brightness or contrast, as taught in the Abstract of Bruck. Additionally, the Examiner points out, that the TV signal is a controlled signal, as such, it would have many other parameters, such as the wavelength, frequency, timing, etc., viewed from signal propagation alone.

Argument II. A: Par. 2: In response to the argument of mere implementation in software, the Examiner points out that Bruck teaches an alternative performance of the invention in hardware: "Alternatively, the steps of the present invention might be performed by specific hardware components that contain hardwired logic for performing the steps, or by any combination of programmed computer components and custom hardware components" (Bruck 4:26-30.)

Argument II. B: Par. 1, 2: Applicant's argument with respect to "cycling through a plurality of video formats, each part of the cycle including a predetermined time duration" has been considered but is moot in view of the new ground(s) of rejection.
Argument II. B: Par. 3: Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claim define a patentable invention

without specifically pointing out how the language of the claim patentably distinguishes it from the reference.

Argument II. B: Par. 4: In response to the argument of mere implementation in software, the Examiner points out that Bruck teaches an alternative performance of the invention in hardware: "Alternatively, the steps of the present invention might be performed by specific hardware components that contain hardwired logic for performing the steps, or by any combination of programmed computer components and custom hardware components" (Bruck 4:26-30.)

Argument II. C: Par. 1: Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claim define a patentable invention without specifically pointing out how the language of the claim patentably distinguishes it from the reference.

Argument II. C: Par. 2: In response to the argument of mere implementation in software, the Examiner points out that Bruck teaches an alternative performance of the invention in hardware: "Alternatively, the steps of the present invention might be performed by specific hardware components that contain hardwired logic for performing the steps, or by any combination of programmed computer components and custom hardware components" (Bruck 4:26-30.)

Argument III: A, B: Applicant's arguments with respect to Claims 4, 13, 29, and 38 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by Applicant's amendment of Claims 1 and 26.

Argument III: C: Applicant's arguments with respect to the rejection(s) of claim(s) 49-52 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Estrop.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristine Kincaid

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AB
June 25, 2007